

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

January 9, 2003

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, January 9, 2003, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Bud Hentzen, Chair; Kerry Coulter, Vice-Chair; Ron Marnell; Bill Johnson; Harold Warner; Frank Garofalo; Ray Warren; Don Anderson; James Barfield; John McKay, Jr. and Elizabeth Bishop. David Wells; Jerry Michaelis; and Dorman Blake were not present. Staff members present were: Dale Miller, Secretary; Donna Goltry, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Jess McNeely Associate Planner; and Rose Simmering, Recording Secretary.

1. Approval of MAPC meeting minutes December 5, 2002 and December 19, 2002.

MILLER I have a couple of corrections on page 6, and page 7, of the December 5, 2002 meeting minutes.

GAROFALO I also have a few corrections to make on pages 2, 4, and 8, on the December 5, 2002 meeting minutes.

MOTION: That the minutes for December 5, 2002, as corrected, and December 19, 2002 be approved.

WARNER moved, **COULTER** seconded the motion, and it carried (11-0).

2. Case No.: SUB2002-134 Request Appeal of Preliminary Plat Conditions ANN WALENTA ADDITION General Location On the southeast and southwest corner of Kellogg and Oliver.

- A. Municipal services are available to serve the site. **City Water and Sewer Department requests an easement for the existing water line in Dellrose.**
- B. A temporary easement by separate instrument should be submitted to cover the existing sewer line to be abandoned unless the sewer line is abandoned before the plat is recorded.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage concept. **The drainage concept is approved. A private storm sewer will be needed on the final drainage plan. Parking lot detention is needed to minimize runoff.**
- E. In accordance with the CUP approval, a guarantee shall be provided for a continuous decel lane on the west side of Oliver from Kellogg off-ramp south to the full movement entrance and a decel lane on east side of Oliver from Eilerts street to the right-in/right-out access point.
- F. Except for Item G below, access controls have been platted in accordance with the CUP approval. The plat proposes two access openings along the west side of Oliver and one opening along the east side of Oliver. In accordance with the CUP approval, the northernmost openings along Oliver need to be specified as right-in/right-out only. A guarantee is required for construction of a channelized rights-in/out opening. Distances should be shown for all segments of access control. The final plat shall reference the dedication of access controls in the plat's text.
- G. The zone change was approved by City Council with the condition that the proposed openings along Kellogg Drive be reviewed by DAB II prior to final plat approval. **Traffic Engineering recommends that these openings along Kellogg Drive not be permitted. The Subdivision Committee approved both openings along Kellogg Drive, with the easterly opening limited to rights-in/out only.**
- H. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- I. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- J. The plat's text on the final plat shall note the dedication of the street to and for the use of the public.
- K. Since the vacation of Dellrose Ave has created an off-site stub, a guarantee shall be provided for a hammerhead turnaround for the terminus of Dellrose.

- L. A note shall be placed on the final plat, indicating that this Addition is subject to the conditions of the Oliver Retail Center Community Unit Plan (CUP 2002-20, DP-261).
- M. The 15-ft setback along Glendale Ave does not conform with the 20-ft building setback line which was established by the CUP. If the proposed setback reduction is approved with this plat, an adjustment to the CUP will be needed.
- N. The wall easement along the west line of Lots 4 and 5 needs to be relocated outside of the 5-ft utility easement.
- O. The wall easement shall be referenced in the plat's text.
- P. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- Q. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Z. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

HENTZEN I believe the applicant is going to ask for a deferral of Agenda Item #2.

TERRY SMYTHE, Baughman Company, P.A., 315 Ellis, Wichita, KS agent for the Owner/Applicant We would like a deferral of this Item in order to resolve some issues with Planning staff, the Legal Department and Traffic Engineering.

HENTZEN How much time do you need?

SMYTHE I would like to keep that open because we will need time to coordinate all the departments together.

HENTZEN We should probably have some kind of time limit so the public will know.

SMYTHE The reason we are asking for a deferral of this Item is we would like to meet with City staff, the Planning Department, and the City Traffic Engineering Department, and clear up some concerns they have expressed about the proposed openings. The Subdivision Committee approved both openings along Kellogg Drive, with the easterly opening limited to rights-in/out only. It was suggested by City Council that this Item go to the District Advisory Board II prior to final plat approval. So, the District Advisory Board considered this Item at their hearing on January 6th.

WARREN It is coming back because staff wants it back to us? The Subdivision Committee has already made a strong recommendation on this item.

SMYTHE We believe there are some issues and if we sit down with all the parties we can get those cleared up.

MOTION: Deferred to an indefinite date to be determined later.

WARREN moved, **COULTER** seconded the motion, and it carried (11-0).

3. **Case No.: CON2002-53** – Son B. Tran & Lan Thi Ma (owner/applicant) request Conditional Use for vehicle sales, outdoors on property zoned "LC" Limited Commercial on property described as;

The West 100 feet of the South 110 feet of Lot 1, Block A, in Industrial Addition, Wichita, Sedgwick County, Kansas. Generally Location On the northeast corner of Hydraulic Avenue and Northern Street.

BACKGROUND: The applicants, Son B Tran & Lan Thi Ma, are requesting a Conditional Use to allow used car sales on property zoned "LC" Limited Commercial. The property (11,000 square feet) is described as the west 100-feet of the south 110-feet of Lot 1; Block A, Industrial Addition, located on the northeast corner of the Northern - Hydraulic intersection. Northern fronts the south side of the property and Hydraulic fronts its west side. The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The applicant has submitted a site plan.

The site contains a vacant 1,580 square-foot building to be used as a 1,180-square foot office space and a 400-square-foot detail shop. No details have been provided in regards to the services provided at the detail shop. The site is the middle section of an "L" shaped grouping of retail buildings that share entrances - exits, parking and internal circulation. There is a concrete parking area where the applicant proposes to display the used cars and provide parking for prospective buyers. The site plan shows four parking spaces to be provided for customers, which is sufficient for this site. There are 15 spaces for display. The site plan needs to show dimensions for circulation.

The site has three existing access points; two on Hydraulic and one on Northern. The applicant has shown on the site plan that he will close off the two entrances that are closest to the Northern – Hydraulic intersection, leaving the one on Hydraulic that is farthest from the intersection open. The site plan shows the closed entrances to have continuation of the curb, per City standards. There is no existing pole lighting on the site and the site plan shows no proposed pole lighting or lighting on the building. The site plan shows no proposed signage. A pipe rail is shown around the perimeter of the site. The railing is especially critical to this site because of its shared - joined parking and circulation with the northern and eastern businesses. No trash dumpster is shown.

The site plan shows proposed landscaping. The proposed landscaping includes 12 shrubs and two trees. Landscape calculations need to be provided to address the landscape requirements, which the current proposal falls short of. It should be noted that landscaping and irrigation was provided on a car lot (CON02-04) one block north of the site and it is Staff's opinion that similar landscaping and irrigation can be provided on this site if the conditional use request is approved.

The areas to the north and west are zoned "LC". The areas have a stand-alone restaurant, a Quick Trip, a liquor store, a pool hall, a pawnshop and two older retail strips with retail, restaurants/sandwich shops and offices. In 2002, CON2002-10 was approved with conditions to allow a car sales lot on the northwest corner of Wassell and Hydraulic, a block north of the site. South of the site to the Hydraulic – I-135 Loop, are residences (both single family and 4-plex) on the west side of Hydraulic and "LI" zoning with manufacturing and warehouse – distribution developments on Hydraulic's east side. The small area abutting the site's east side has "LC" zoning containing a tavern and a restaurant. "LI" zoning with manufacturing & warehouses that starts after the restaurant. The "LI" zoning and development dominates the area east and south of the site.

CASE HISTORY: The Industrial Addition was entered on transfer record May 16, 1951.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial	Restaurants, office, retail
EAST:	"LC" Limited Commercial "LI" Limited Industrial	Restaurant, tavern Warehouse, manufacturing
SOUTH:	"LI" Limited Industrial	Warehouse, manufacturing
WEST:	"LC" Limited Commercial "B" Multi-Family Residential	Office, retail, convenience store, Pawnshop Residential

PUBLIC SERVICES: Hydraulic is a four-lane arterial street. The nearest estimated traffic volume is one block north of the site. The (ADT) trips per day at the Hydraulic - Wassall intersection is 4,413 ADTs on the west side, 9,458 ADTs on the north side, 356 ADTs on the east side and 10,042 ADTs on the south side. Water/sewer and other municipal services are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide, as amended in 2002, of the Wichita – Sedgwick County Comprehensive Plan identifies this property as "Commercial". The current zoning of the site is "LC" Limited

Commercial. The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The Wichita – Sedgwick County Comprehensive Plan, as amended by Resolution 502, directs the location of auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses to areas (existing or planned) containing similar uses and away from neighborhood commercial areas. This area contains neighborhood commercial and one auto sales lot. CON2002-10 was approved with conditions by DAB III & the MAPC to allow an auto sales lot on the northwest corner of Wassell & Hydraulic.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be DENIED. Although CON2002-10 permitted, with conditions, a car sales lot one block north of the site, the Comprehensive Plan does not indicate that a used car lot would be appropriate for this area. The commercial uses along this portion of Hydraulic, with the exception of CON02-10, are neighborhood serving and do not involve outdoor display or storage associated with vehicle sales.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is zoned "LC" & "LI". The existing commercial businesses in the neighborhood, with the exception of the car sales lot on the northwest corner of Wassell & Hydraulic are local retail in character. A location south of the site that would be in the warehouse – distribution center area would be more appropriate.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with one of the many "LC" permitted uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Outdoor storage and display of vehicles is not consistent with the type of development existing in this an area, with the exception of the car sales lot on the northwest corner of Wassell & Hydraulic. Approval of this request will most likely open other sites nearby for additional vehicle sales lots and other "heavier" commercial uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The Wichita Land Use Guide of the 1999 update to the Wichita – Sedgwick County Comprehensive Plan identifies this property as Commercial. The current zoning of the site is "LC" Limited Commercial. The Wichita – Sedgwick County Comprehensive Plan, as amended by Resolution 5-02, directs the location of auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses to areas (existing or planned) containing similar uses and away from neighborhood commercial areas. The proposed car sales lot does meet these criteria.

If, however, the Planning Commission believes this is an appropriate use, staff recommends approval be subject to the following conditions:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of used cars and light trucks. No sale or rental of trailers or trucks larger than pick ups.
2. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted without first obtaining "GC" General Commercial zoning.
3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards.
4. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan.
5. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles so not encroach onto public right-of-way or landscaping.
6. A pipe rail or similar barrier shall be installed around the perimeter of the site to prevent conflicting circulation between the site and the abutting business.
7. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
8. There shall be no use of elevated platforms for the display of vehicles.
9. No amplification system shall be permitted.
10. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.

11. The lighting standards of Section IV -B.4 of the UZC shall be complied with. No string type lighting shall be permitted.
11. The applicant shall guarantee the closure of the Hydraulic and Northern entrances that are closest to the intersection and continue the curb and gutter according to City standards. Dedication of access control closing the Hydraulic and Northern entrances that are closest to the intersection by separate instrument shall be submitted to Staff for recording.
12. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

Bill LONGNECKER, Planning staff. The staff recommends denial. The applicant has submitted a site plan. It shows parking and the vacant building that the applicant wants to use for office space, and part of it for a detail shop using an existing bay door. We have not been provided information about what kind of services are being offered in the detail shop. The pipe rail shown is critical because of the location of this site, which shares parking, access and internal circulation with the abutting north and east businesses. The railing which is proposed for the north and east sides of property would not prevent anybody from accessing onto this eastern retail area or the northern retail area. The northern retail would still have two points of entrance and exits here, and the eastern retail would still have an entrance and exit. We would need a revised site plan if this is approved.

Staff recommends denial. If you look at the conformance to plans and policies in the staff report, this is not an appropriate location for a car lot in this area. There is a car lot on the northwest corner of Wassall and Hydraulic. That case was heard by MAPC, and the applicant got approval by the MAPC (for the other car lot). The D.A.B. did approve that car lot as well. The commercial uses along this portion of Hydraulic, with the exception of CON2002-10, are neighborhood serving, and do not involve outdoor display or storage associated with vehicle sales. We recommend 13 conditions should MAPC decide to approve this request. The District Advisory Board III heard this case on January 8, 2003, and recommended denial with a vote 8-0.

BARFIELD What was at this location before?

LONGNECKER A dry cleaners. It has been vacant for about a year.

GAROFALO It used to be a service station. Then it was a dry cleaners until the owners got sick, and they closed up the business.

LONGNECKER The DAB did mention that last night that this used to be a dry cleaners.

SANDY ROBERTS, 667 Oak Forest Land, Derby, KS 67037, Agent. Mr. Tran owns the property, but he would not be operating the business himself. He wants to lease the property.

BARFIELD Has he leased it out already?

ROBERTS No.

BARFIELD What about the detail shop?

ROBERTS It was put in there because of where the bay area was, but we don't know what we want to put in it.

WARREN Are you in agreement with the conditions of approval?

ROBERTS Yes.

MARNELL Is the property on the corner under separate ownership from both strip centers?

ROBERTS Yes.

JOHNSON Were you at the D.A.B. meeting last night? They voted 8-0 to deny?

ROBERTS Yes, one person that lived in the area there, and his comments were that Mr. Weigand's lot was approved because that the gentlemen lived in the area, and that he had other businesses and that is why they approved the other car lot.

BISHOP Has there been any indication from the other business owners in regards to this?

LONGNECKER Staff has received no calls at this time. It was posted, but the sign had been taken down. Everyone did receive notification letters.

MARNELL The cross lot circulation that goes on since that property is under separate ownership, is that informal or are they formal agreement?

ROBERTS No that is all informal, in fact the owners is ready to put those railings up now.

HENTZEN Anyone in audience to speak?

WARREN I would like to go back to the slides because there is a lot of deterioration in that area. Those roof tops along Wassell...several of those buildings are boarded up.

LONGNECKER Those units you refer to are vacant 4-plexes. I would agree that some of those units are boarded up.

WARREN The only new construction that I can recall, is a McDonald's, and that is within the last 10 years or so.

LONGNECKER There is a McDonalds and Subway right by the interchange. You would also have to include the Q-Trip and Weigand's car lot as the most recent developments in this neighborhood.

MILLER Donna did say she drove by and it looked like to apartments were possibly being rehabilitated.

WARREN Based on the fact that there is a limit of uses that could be in there because it is heavy industrial out there; the fact that we did approve the Weigand car lot on Wassall car lot based on the alternate conditions, and the fact that this property has been sitting empty for as long as it has.

MOTION: To approve the Conditional Use request with the conditions listed in the Staff report.

WARREN moved, **ANDERSON** seconded the motion.

BISHOP I oppose the motion. I am pretty sure that I opposed the Weigand car lot, and there is a pawnshop across the street from the site now, which could be the next request for car sales. This activity does not fit the neighborhood or the Comprehensive Plan. If we are not going to follow the Comprehensive Plan, then maybe we should change it.

SUBSTITUTE MOTION: To deny this request.

BARFIELD moved, **BISHOP** seconded the motion, and it failed (4-7).

WARREN, MARNELL, HENTZEN, MCKAY JR, WARNER, JOHNSON AND ANDERSON to oppose the motion.

WARREN The problem I have in denying the request, is in what we perceive to be as an offensive use. I think this does fit in with the neighborhood. I think a car lot can be made to look attractive.

BARFIELD I did vote for the Weigand car lot but my argument here is that this is a speculative operation. Perhaps there might be a request for a detail shop or not, there is not enough specific information about it. If the applicant had that laid out, I wouldn't have a problem with it.

MARNELL This is Conditional Use, all CU's are specific uses, so if the site is not used for that specific use the CU is irrelevant. We are not changing the zoning and the uses permitted by right in the zoning.

BISHOP I don't find used car lots offensive, but I am not in favor of putting them on every corner in the City. The Comprehensive Plan does say where they are appropriately placed, and we should follow it.

GAROFALO I will support the motion to deny. I did vote to deny the car lot on the Weigand property. This is typical of what happens to this neighborhood, and the neighborhood does not need to look like South Broadway. This site and area is more of a neighborhood retail area, and it doesn't need three or four car lots up and down the street. I am sure this property could be used more appropriately. I think we have gone overboard and it is going to continue to happen if we don't put a stop to it.

WARREN We had a case here not long ago over on West Street, where the neighborhood was vocal and commercial and the request was denied. This area is a commercial - industrial area. As far as the Commissioners saying that the applicant can't be more specific. The applicant could sell it. We are not approving that person--we are approving the use.

VOTE ON THE MOTION: carried (7-4).

BISHOP, COULTER, GAROFALO, and BARFIELD to oppose the request.

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4. **Case No.: ZON2002-67** - Gene M. Campbell (owner/applicant); ALDI, Inc. c/o Martin Florie (contract purchaser); Baughman Company c/o Terry Smythe and J.P. Weigand & Sons, Inc c/o Doug Malone (agents) request a Zone change from "GO" General Office to "LC" Limited Commercial on property described as:

The East 152 feet of Lot 2, Heersche's Replat, Wichita, Kansas, Sedgwick County, Kansas. Generally located South of 27th Street South on the east side of Seneca.

BACKGROUND: The applicant requests a zone change from "GO" General Office to "LC" Limited Commercial on a 0.8 acre platted tract located south of 27th Street South and east of Seneca. The subject property is the east 152 feet of Lot 2, Heersche's Replat Addition and is developed with a non-conforming nursery and garden center that is currently vacant. The remainder of Lot 2 is currently zoned "LC" Limited Commercial. The applicant proposes to redevelop the subject property with an ALDI grocery store. A grocery store is first permitted by right in the "NR" Neighborhood Retail zoning district; however, the applicant has requested "LC" Limited Commercial zoning to match the zoning district of the remainder of the applicant's property.

The surrounding area is characterized by mixed-use commercial, office, institutional, and residential development. The properties to the north are zoned "LC" Limited Commercial and "GO" General Office and are developed with a restaurant, a vehicle repair shop, and a massage therapy clinic. The properties to the south are zoned "LC" Limited Commercial and "GO" General Office and are developed with medical offices. West of the subject property across Seneca is a church and school on properties zoned "SF-5" Single-Family Residential. The properties to the east are zoned "SF-5" Single-Family Residential and are developed with single-family residences.

Since the abutting properties to the east have residential zoning, screening and buffer landscaping will be required along the east property line. The compatibility setback standards will require a minimum 25-foot building setback along the east property line. Since the applicant's property has frontage along an arterial street, a landscaped street yard and parking lot screening will be required along the west property line.

CASE HISTORY: A request to rezone (Z-0583) the subject property to "LC" Light Commercial was denied by the City Commission on February 2, 1965. A subsequent request (Z-0704) for "LC" Light Commercial zoning was again denied by the City Commission on April 19, 1966; instead, the City Commission approved "BB" Office (now "GO") for the subject property and "LC" Light Commercial for the remainder of the applicant's property. The subject property is platted as a part of Lot 2, Heersche's Replat Addition, which was recorded December 28, 1967.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" & "GO"	Restaurant, vehicle repair, massage therapy
SOUTH: "LC" & "GO"	Medical offices
EAST: "SF-5"	Single family
WEST: "SF-5"	Church, school

PUBLIC SERVICES: The subject property has access to Seneca, a five-lane arterial street with current traffic volumes of approximately 19,000 vehicles per day. The 2030 Transportation Plan estimates traffic volumes will increase to approximately 21,000 vehicles per day on Hoover and recommends that Seneca remain a five-lane arterial street. The subject property's access to Seneca is limited to a joint access opening with the abutting property to the north. The proposed development would generate less than 100 trips in the peak hour; therefore, the City's Access Management Policy indicates that the applicant does not need to prepare a traffic impact analysis. The subject property currently has public water or sewer service.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Office" development; however, the Land Use Guide identifies the remainder of the applicant's property as appropriate for "Commercial" development. Since the applicant proposes to redevelop the entire property with a commercial use, the Land Use Guide's recommendation for split use of the property based on a 35-year-old zoning decision should be discounted in this instance. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The subject property meets the Commercial Locational Guidelines.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by mixed-use commercial, office, institutional, and residential development. The zoning of most of the adjacent properties is "LC" Limited Commercial and "GO" General Office. Therefore, the proposed zoning of the subject property is consistent with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "GO" General Office, and is currently developed with a non-conforming nursery and garden center. Since a nursery and garden center is not permitted in the "GO" General Office zoning district, the property is not suitably zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code and the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance should further limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Office" development; however, the Land Use Guide identifies the remainder of the applicant's property as appropriate for "Commercial" development. Since the applicant proposes to redevelop the entire property with a commercial use, the Land Use Guide's recommendation for split use of the property based on a past zoning decision should be discounted in this instance. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The subject property meets the Commercial Locational Guidelines.
5. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted given the availability of public water and sewer service, the recent improvements to Seneca a add a center turn lane, and the access control except for one joint opening already established for the property.
6. Opposition or support of neighborhood residents: One neighboring business owner has submitted a letter of support for the request. Planning staff has been contacted by several neighborhood residents who have either expressed support for the request or have not expressed opposition to the request.

GAROFALO On the top of page three of the staff report it says "The proposed development would generate less than 100 trips in the peak hour." How did you get that number?

KNEBEL There is a "traffic engineering" manual that has average rates for different types of uses and in this case it would be a grocery store and you base it on the square footage of the proposed use. The City's Access Management Policy indicates that the applicant does not need to prepare a traffic impact analysis. The proposed development would generate less than 100 trips in the peak hour.

GAROFALO What do you mean peak hour?

KNEBEL It depends on the use. It could be in the morning, or evening. I think for a grocery store the use would be the highest in the afternoon.

TERRY SMTYHE, Baughman Company, 315 Ellis, agent. We will agree to the approval.

HENTZEN Anyone else to speak to this item?

MOTION: To approve, subject to staff comments and citing the findings in their report.

BARFIELD moved, **JOHNSON** seconded the motion, and it carried (11-0).

5. Case No. ZON2002-68 – Friends University (owner); Ruggles & Bohm, P.A., Chris Bohm request a Zone change from "B" Multi-family Residential to "U" University on property described as;

Lots 101, 103 and 105, on Everett Avenue, and the south 51 feet of Lots 167, 169 and 171, on University Avenue, in University Place Addition to the City of Wichita, Sedgwick County, Kansas. Generally Located North of Kellogg and east of Meridian.

BACKGROUND: The applicant requests "U" zoning on a platted, .42-acre site for the construction of a Friends University residence hall. The application area is currently developed with two single-family residences. The application area is to be included in the replat of a larger site. The site is on the east side of Everett, north of Kellogg, on the Friends University Campus. All property surrounding the application area is zoned "U" and developed with Friends University uses.

The proposed zone change, from "B" to "U," and the proposed development, would require conformance to all property development standards in the Wichita-Sedgwick County *Unified Zoning Code* (UZC).

CASE HISTORY: The application area was platted as the University Place Addition in 1986.

ADJACENT ZONING AND LAND USE:

NORTH:	"U"	single-family homes
SOUTH:	"U"	vacant
EAST:	"U"	university uses
WEST:	"U"	single-family homes

PUBLIC SERVICES: The property is located north of Kellogg and east of Everett. Everett at this location is a paved, two-lane section line road with a 40-foot half-width right of way. No traffic count is available for this section of Everett. City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as "Public/Institutional".

The UZC states that the "U" district is intended to accommodate the development of universities, colleges, seminaries, or other institutions of higher learning.

RECOMMENDATION: All property surrounding the application area is zoned "U" and developed with University uses; this request is in conformance with all plans and policies. As this property develops, the *Unified Zoning Code* property development standards will apply.

Based upon information available prior to the public hearings, planning staff recommends that the zone change request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All property surrounding the application area is zoned "U" and developed with University uses. The requested zone change and proposed residence hall development are in character with the surrounding neighborhood uses.
2. The suitability of the subject property for the uses to which it has been restricted: The "B" zoned property has been developed with single-family residential uses. The application area could continue to be used under the current zoning for residential purposes; however, "U" zoning would be more consistent with the surrounding zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed zone change, from "B" to "U", and the proposed development, would require conformance to all property development standards in the *Unified Zoning Code*. This zone change, and proposed development, should have no detrimental effect on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide".
5. Impact of the proposed development on community facilities: The requested rezoning should have no impact on community facilities.

TOM RUGGLES, Ruggles & Bohm, P.A., 924 N. Main, agent. We concur with staff comments.

HENTZEN Anyone else to speak to this Item?

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **MCKAY** seconded the motion, and it carried (11-0).

6. **Case No.: ZON2002-69** – City of Wichita c/o John Philbrick (contract purchaser) request a Zone change from "SF-5" Single-family Residential to "LI" Limited Industrial on property described as;

That part of the SE 1/4 Sec. 2, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the SW corner of said SE 1/4; thence easterly along the south line of said SE 1/4; 1159.84 feet to the intersection with the easterly right-of-way line of Kansas Turnpike Authority (deeded and described in Special Warranty, Deed, (Deed book 1085, Page 469), and designated therein as Kansas Turnpike Tract No. 7-34, Revised April 22, 1957); thence northeasterly with a deflection angle to the left of 64 degrees 25'30" along said easterly Kansas Turnpike Authority right-of-way line, 130.00 feet to the intersection with the north line of Kansas Turnpike Tract No. 7-34K as deeded and described in said Special Warranty Deed, (Deed Book 1085, page 469), and for a point of beginning; thence continuing northeasterly along said easterly Kansas Turnpike Authority right-of-way line, 426.17 feet; thence southeasterly with a deflection angle to the right of 84 degrees 42'18", 271.03 feet; thence southerly with a deflection angle to the right of 69 degrees 43'12" and perpendicular to the south line of said SE 1/4, 333.97 feet to a point on the north line of said Kansas Turnpike Tract No. 7-34K; thence westerly with a deflection angle to the right of 95 degrees 40'09" along the north line of said Kansas Turnpike Tract No. 7-34K, 440.36 feet to the point of beginning. Containing 130,680.000 Sq. Ft., or 3.0 Acres, more or less. Generally Located North of 31st Street South on the east side of KTA.

BACKGROUND: The applicants request a zone change from "SF-5" Single-Family Residential to "LI" Limited Industrial on the approximate 3-acre site located northeast of the 31st Street South – Kansas Turnpike-IH-35 interchange. The site has frontage on 31st Street South. The site is part of approximately 44 unplatted acres owned by the City and developed

as the eastern portion of Plainview Park and a Fire Department Training Facility. The applicant proposes to develop the subject property with a building for his office and the assembly of ductwork.

Developments abutting the site are the previously mentioned eastern portion of Plainview Park on the north side, a Wichita Fire Department training facility on the east side and the Kansas Turnpike – IH 35 highway (KTA) on the west side. The park and the training facility are zoned “SF-5” except for a 250-foot x 290-foot City owned site on the northwest corner of Oliver and 31st, which is zoned “LC” limited Commercial and is used by the Fire Department. The training facility occupies approximately 2/3rds of the 31st Street South frontage. Access onto the training facility is off 31st Street South. The park has baseball fields that are heavily used March – mid October, Monday – Saturday, usually 5:30 PM – 10:30 PM, with some day games April – May, 3PM – 5PM. The park also has an area reserved for model plane flying that is open at all times. Access to the park is off Oliver. The Fire Department training facility is used for recruit training, basic firefighting skills training, driver and vehicle certification and re-certification, aerial ladder placement, safety driving courses, confined space training, EMT re-certification, trench rescue, ect, etc. Most of the training occurs Monday – Friday, 8AM – 5PM, with some training on nights and weekends.

The area west of the KTA is zoned “ SF-5” & “MF-29” Multi-Family Residential, is developed as the western half of Plainview Park and has a mix of single-family and multi-family housing around the park. The western portion of the park is connected to the eastern portion of the park by a pedestrian crossover the KTA. The Boeing Aircraft Company (and some smaller privately owned industrial businesses) has developed most of the land south of 31st Street South to ½ mile south of 47th Street South on both sides of Oliver. These properties are zoned “LI” and are a complex of manufacturing, assembly, warehouse, machine shops, tool & die, research and office. McConnell Air Force Base is also south and east of the area. Sandwiched between Oliver and McConnell and east of the Park/City property is a small area zoned “SF-5”, “TF-3” Duplex Residential, “MF-29”, “B” Multi-Family Residential and “LC”. The area has a mix of single-family and multi-family housing

Since the properties to the north and east have residential zoning, screening and buffer landscaping will be required along the north and east property line. The compatibility setback standards will be required along east & north property lines unless a Zoning Adjustment is granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback.

CASE HISTORY: The property is not platted and is owned by the City. The Park Department received the land in 1955 and it was developed as a Park with ball fields in the late 1960's through the early 1970's. The Fire Department training facility has been here since 1960 – 1961.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-5”	Plainview Park
SOUTH:	“LI”	Manufacturing, warehouse
EAST:	“SF-5” & “GC”	Fire Department Training Facility
WEST:	IH –135, “SF-5”	Single-family residence & Plainview Park
	“MF-29”	Multi-family residential

PUBLIC SERVICES: The site has frontage along 31st Street South, a paved 4-lane arterial at this location west of the Oliver – 31st Street South intersection. Currently there is no direct access onto the site. Access will be finalized during the platting process. Public water and sewer service will have to be extended to the property along 31st Street South.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Parkland – Open Space – Golf Course” development. The land to the south is shown as “Industrial” in the Land Use Guide. The Comprehensive Plan recommends that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports. Also industrial uses should be located from residential areas. This site generally conforms to the industrial location guidelines due to its separation from residential uses and its proximity to other major industrial areas and support services.

RECOMMENDATION: Because of the site's proximity to Boeing's large industrial complex and similar development around the Boeing complex, including McConnell's Air Force Base and the Fire Department's training facility, it is not probable that the site will develop as residential or be used for parkland expansion. However protecting the park from any adverse effects from some uses permitted in Limited Industrial zoning should be considered. Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to a platting within a year and a Protective Overlay.

(1) The following uses shall not be permitted:

- (a) (a) Adult entertainment; microbrewery; liquor store; nightclub; tavern and drinking establishment; multi-game, casino-style gambling facility; pawnshop; tattooing and body piercing and billboards.
- (b) (b) Group residence, limited and general; correctional placement residence, limited and general; correctional facility; day reporting center and drug & alcohol rehabilitation center;
- (c) (c) Asphalt or concrete plant, limited and general; mining or quarrying; oil or gas drilling; rock crushing; solid waste incinerator; gas and fuel storage and sales; wrecking or salvage yard; recycling process center; recycling station private and public; agricultural processing and landfill.

- (d) (d) Vehicle and equipment sales, outdoors; car wash; vehicle repair, general; vehicle storage yard; outdoor storage and self-storage
 - (e) (e) Animal care limited and general and kennel hobby, boarding, breeding and training;
- (2) Compatibility setback standards shall be implemented as well as screening and landscape buffering, per the Unified Zoning Code and the Landscape Code.
 - (3) Outside Storage that is typical of a contractor's yard and as an accessory use to the applicant's mechanical-assembly-manufacturing facility will be allowed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area contains one of the largest industrial areas in the City, with Boeing Aircraft and McConnell Airbase dominating the area. The site, although zoned for low density residential, has been part of the approximately 44 acres of parkland since 1955. The park's baseball fields that have been actively used since their development in the late 1960's – early 1970's. The Fire Department training facility has been active since the early 1960's and there are no plans for its status to change within the next 10 years. The KTA is a part of the interstate highway system and as such is one of the busiest arterials in the City and the region. The nearest residential is small mixed single-family & multi-family area east of site across Oliver.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-Family Residential, but has never been developed as residential. The current use of the property is part of Plainview Park, although this particular section of the parkland has no playing fields or recreation equipment. It's proximity to the Fire Department's active training facility, which claims at least 2/3rds of the 31st Street South frontage and its lack of access onto 31st has isolated this site from the rest of the park's approximately 41 acres. The site is in close proximity to extensive industrial zoning - development and the arterials, truck routes and rail systems that support industrial development. It is doubtful that the property will ever be developed as residential or be an integral part of the existing park.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on the park should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code, the buffer landscaping requirements of the Landscape Ordinance, and the limitations on uses with the Protective Overlay.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for park and open space development. Parks are a use permitted by right in all zoning districts. The site, itself, more closely resembles what The Land Use Guide of the Comprehensive Plan identifies as an area appropriate for industrial.
5. Impact of the proposed development on community facilities: Impact should be minimal on the park if the Protective Overlay, compatibility setbacks, screening, and buffering are implemented. Access onto the site will be addressed during the platting process, which will ensure that there is no conflict with the Fire Department Training Facility, the existing businesses south of the site across 31st Street South and the current traffic patterns.

BILL LONGNECKER, Planning staff. The D.A.B. recommended approval and wanted to add Condition #3 to the staff report, and that is as follows: Condition #3 Outside storage that is typical of a contractor's yard and as an accessory use to the applicant's mechanical assembly-manufacturing facility will be allowed.

JOHNSON The outside storage is typical for a construction yard. What about construction vehicles? The way that this is written, can you not put construction vehicles in this yard?

LONGNECKER The D.A.B. did recognize that there are going to be construction vehicles. Yes, they can have their trucks there.

JOHNSON There has been a number of these cases that have come up at I-35 and the Turnpike and we have made the landscaping projects a little more intensive. Will this be required of this request?

LONGNECKER They are going to have to meet landscaping and screening requirements because of the residential abutting the property. They will have some screening on I-35.

JOHNSON Is that training center properly zoned?

LONGNECKER Government Use can go in this zoning, yes.

BISHOP Has the Park Board reviewed this request? Do they have any comment?

LONGNECKER They have not reviewed this, but I have talked to Mr. Kupper and he is aware of the proposal, and because of the isolated nature of this part of the park, he thinks this could be an appropriate use. This part of the park has poor access, and its location next to the Fire Department training facility has contributed to its lack of development and

isolation from the rest of the park. We have worked with Mr. Kupper in regards to the activities not allowed and have incorporated these into the P-O.

BISHOP There will be some fencing?

LONGNECKER Yes, solid fencing.

GAROFALO Is the Park Board required or responsible to approve the sale of the park property?

JOE LANG, First Assistant City Attorney. Yes, under Charter Ordinance 125, the Park Board will have to act on this. I don't know what the status of the property is, and what level of approval. It will not make recommendations on the zoning, but before the City could sell it or lease it. The Park Board will have to make recommendations on the proposed sale.

ANDERSON What is the visual impact to the people of Planeview? What will this look like to them?

LONGNECKER With the landscape buffer the impact should be limited.

ANDERSON You mean trees?

LONGNECKER Yes.

ANDERSON Is this also the Dean Norris Company that owns property just across the roadway?

LONGNECKER Yes, they are wanting to change locations.

HENTZEN I noticed your approval came with a lot of business that are prohibited uses. Why is that?

LONGNECKER Because the zoning change is next to the park, they don't want certain activities such as drinking, adult entertainment or some of the 'dirtier' industrial activities being allowed next to the park.

WARNER Is the applicant in agreement with these conditions?

HENTZEN So these activities listed in the P-O are not proper or allowed in this district because of these circumstances.

LONGNECKER Yes, I believe the applicant agrees with the P-O. Yes, that is correct. These things should not be next to a park.

HENTZEN I would like you to think about barring abortion clinics next to a park as well.

TERRY SMYTHE, Baughman Company, 315 Ellis, agent. The City of Wichita desires to sell this property to the contract purchaser. The contract purchaser desire to move his operation and move it over to this side and have the ability to expand if he needs to. So all the uses and rights he has today he needs on this side of the Turnpike. The language as described in Condition 3 about the outside storage--I have been told that it will allow him to continue his operation the way that he does today. If we are going to talk about limiting his outdoor storage we may have a problem with the sale of the land and the agreement to purchase it. The applicant has agreed to all the uses to be eliminated but the concern is about the outside storage. He has to be able to conduct a limited industrial use that he has today on this side of the Turnpike. Screening to the north and to the east is required by the zoning code because that it zoned single-family. To the west, it is not required by the zoning code. Buffering is not required when it is adjacent to the Big Ditch, the Turnpike, State Highways. So along the west side screening is not required by the code. So as long as this individual can operate his business and expand his business the way that he is doing it today, then he is ok with these conditions.

WARREN Are you satisfied to condition #3?

SMYTHE It is our opinion that Condition 3 allows him to continue to operate as he is today as discussed with staff and the contract purchaser. Any limited industrial use has associated uses that are outside. That is a standard part of the Code. We are, for some reason, getting down to storage by addressing it in Condition 3.

WARREN When we say outside storage that is typical of a contractors yard, doesn't that cover it?

SMYTHE If you look at 1(d) it says outside storage as one of the uses that we agreed to eliminate. As long as he can continue his operation and the associated uses with his operation, he is comfortable with it and will proceed with the purchase of the property. But if any of this language in here does not allow him to continue with his operation, we have a problem.

WARREN I think that would come from the legal department at the point of sale or as a condition of sale.

MCKAY You are not happy with Condition #3 today?

SMYTHE It is the Contract Purchasers opinion that Condition #3 allows him to use the property the way that he uses his current property today. That is what he and I have been told.

BARFIELD I think screening has not been addressed today in term of this outside storage.

BISHOP I agree.

JOHNSON I want to ask Legal Department, when part of it is going to stay like in (d) that vehicle and equipment sales and outside car was vehicle repair but then you turn around and say something that they can use for a construction yard. I mean, they could be washing down construction equipment in this yard and if somebody like an inspector drives by and says you can't be washing this equipment, and if Mr. Norris is presently washing vehicles out there now, I don't know how we can fine-tune that to that point. Maybe to address the screening I think it ought to say outside storage is accessible. I don't think we should leave it up to the inspector to make the interpretation.

MILLER Screening is required on the east and the north because it has "SF-5" zoning. They will have to fence that.

LANG As long as he is accessory to his manufacturing business and not a stand-alone storage or stand-alone car wash.

KNEBEL They will also have to screen any outside storage area within 150 feet to 31st Street as well.

MILLER The way OCI would interpret it, and the way that I interpret this is what we are prohibiting in (d) prevents any future owner from selling this land and turning this into a car wash. If he is washing down his own vehicles that is an appropriate use for his business. But if he were to sell it to somebody and they wanted to develop it as a car wash that is what this was intended to address.

JOHNSON Do we need to show a preliminary site plan to this application to show any of this operation where maybe the building facility would be along the interstate and the yard would be east of that and be screened?

MILLER I don't think we need a site plan. The screening on the north and east and on 31st Street is what is required. We are trying to be consistent along I-35. As you said, we have done this previously. We are trying to be uniform.

BISHOP I have three concerns. One is the outside storage. I have a concern about screening. We have required landscape screening along the Turnpike with the idea that it is used for a corridor to our community. My third concern is the Park Board approval. Why are we approving it first prior to the Park Board not seeing this?

LANG This zoning will not go to the Park Board. The proposed sale will go to the Park Board.

BISHOP But it will go to them depending on what we do here with a zone change.

LANG They will be informed about the zone change. They will be dealing with the issue whether park land should be sold.

BISHOP It just seems they should be deciding if they want to sell the land first.

LANG The City Council has two separate decisions the zoning, and the other will be the sale of the land.

ANDERSON What kind of visible impact is there on the west side of the Turnpike, where the applicant currently is? Does he have a fence or any screening up there?

SMYTHE On the east side he has chain link security fence. The screening along the Turnpike it is not required per the Zoning Code.

KNEBEL The screening as opposed to landscaping.

WARREN A major concern here, and we have talked about it, is this outside storage and I think with the public statement from Dale Miller, I am satisfied and the applicant hopefully is satisfied as well, and I am prepared to make a motion.

JOHNSON Is there anything planned between this property and Interstate 35 as far as trees, fencing or anything?

SMYTHE They have not decided on the site plan yet. His only access is from the entrance from the Fire Department training facilities, so he has to work with agreement with the City to allow him to bring his trucks and vehicles in that way to the property. So I assume it will be a typical parking lot on the east side, the building in the middle, and whatever is on the back side.

HENTZEN Anyone in the audience to speak?

MOTION: To approve adding the Condition #3 concerning outside storage.

WARREN moved, **JOHNSON** seconded the motion, and it carried (11-0).

The Metropolitan Area Planning Department informally adjourned at 2:43 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, Dale Miller, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2003.

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)